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C O N F I D E N T I A L BAGHDAD 003054

SIPDIS

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TAGS: PGOV PREL PHUM KDEM I2

SUBJECT: BASRAH REGIONAL COURTHOUSE NEARING COMPLETION

Classified By: Deputy Political Counselor Greg D'Elia; reasons 1.4 (b) and (d)

¶1. (C) Summary: The Army Corps of Engineers Gulf Region South (GRS) will complete construction of the new Basrah Regional Courthouse on September 25 and plans to transfer possession to the Iraqi government on that date. After some debate, the Iraqi High Judicial Council (HJC) has agreed to assume responsibility for the building's security, court set-up, and furniture, although Basrah Provincial Reconstruction Team (PRT) is concerned that they have underestimated the work involved. Although agreeing to furnish the building, the HJC is unable to say exactly when that will happen and thus a grand-opening ceremony cannot be set at this time. GRS plans a low-keyed media event for the handover on or about September 25. PRT would appreciate INL guidance regarding possible re-programming of INL funds (see para six). End summary.

¶2. (C) GRS has told the REO that construction of the \$10 million Basrah regional Courthouse is scheduled for completion on September 25. On that day, GRS plans to hand legal possession of the building to the High Judicial Council (HJC), represented by Provincial Chief Judge Laith. The PRT fears that the HJC is either unaware or has underestimated the responsibility involved with the handover, however. The PRT foresees many complications for local officials, including security, court set-up, and the transfer of furniture.

¶3. (C) Realizing the complexities involved, the PRT and UK Foreign Commonwealth Office (UK FCO) proposed the creation of a steering committee in August to guide the transfer of ownership. Laith dismissed the idea, however, claiming that the transition would be simple. Attempts by UK FCO Consul General to persuade Laith via letter proved futile.

¶4. (C) Formerly, the issue of who would furnish the courthouse (the Coalition or the GOI) had been a point of contention between the two sides. With assistance from Embassy Baghdad's Rule of Law Coordinator, however, the HJC has now agreed to provide furniture for the building. The only outstanding issue at this point is the actual delivery date. PRT believes HJC is taking concrete steps toward furnishing the building, although predicting when the furniture will show up is difficult. Once the building is furnished, a date can be set for a ceremonial dedication with major media coverage.

¶5. (C) GRS and its contractors intend to leave once the building is complete on September 25. GRS plans a low-key handover ceremony with minimal media coverage, so as not to undermine any future event.

¶6. (C) In addition, the PRT also has been pushing for a separate security assessment of the judicial complex, with a consultant on-site to help local judicial security officials write a security plan. The U.S. Marshal's Service has

already prepared a complete security assessment of an identical judicial complex constructed elsewhere in Iraq; provided this assessment to the RSO in Basrah; and agreed to visit Basrah if the RSO, after reviewing the assessment, believes a visit to the Basrah facility is necessary. The PRT has requested that INL provide a security consultant out of the 600,000 USD in available funding for security upgrades from the Embassy's International Narcotics and Law Enforcement (INL). In addition, the PRT hopes to use some of the security equipment money to assist local judicial authorities to better secure the site. (Request for guidance: The INL funds were earmarked originally for security upgrades to the old courthouse, which was formerly intended to be renovated. PRT would appreciate INL guidance regarding whether any or all of the original funds can be re-programmed, and for what purposes they could be used. End request.)

¶7. (C) Comment: GRS's low-key handover on September 25 is also meant to minimize any negative publicity that may be generated by Laith, who, while trying to get the USG to pay for the furniture also threatened to make the USG look bad if it did not. We will maintain the pressure on Laith and, through the PRT RoL Advisor and the RoL Coordinator's Office, track the HJC's follow-through with the funding. Once the courthouse -- including its furnishings -- is ready, we will notify Ambassador Crocker, who expressed interest in attending the inauguration. End comment.

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